THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No : 21310 of 2005

–

ORDER: *(per the Hon'ble Smt. Justice T. Meena Kumari)*

The petitioner claims to have been appointed as Inspector of Excise in 1978 with Sl.No.3 in Zone-II (Multi Zone-I) out of the nine candidates selected by the APPSC. The case of the petitioner is that in 1982-83, when a vacancy in the post of Asst. Excise Superintendent, which was a Multi zonal post, arose, the juniors to the petitioner were promoted, depriving him of the same. However, the second respondent issued an order of promotion to the petitioner, as Asst. Excise Superintendent in 1987 with a condition that the promotions made in 1982-83 would be reviewed in order to consider the case of the petitioner. Thereafter the petitioner has been posted as Deputy Commissioner on in-charge basis on 16.01.2004 and has been continuing as on today. While so, the Government of A.P., in memo dated 08.12.1989, ordered that the name of the petitioner should be restored to his original place in the final list of Asst. Excise Superintendent for 1982-83. However, the final seniority list was issued by the respondent *vide* G.O.Ms.No.501, dated 15.04.2005 without considering his objection properly and by giving him the same place as shown in the provisional seniority list much below his juniors. Questioning the same, the petitioner filed O.A.No.4893 of 2005, which is pending adjudication before the Court. Subsequently, the respondent issued G.O.Rt.No.1696, dated 25.08.2005 directing the petitioner to report before the Government for posting while posting another in-charge Deputy Commissioner in his place. Accordingly, the petitioner reported before the Government on 27.08.2005. Now the respondents are trying to revert the petitioner, though there are vacancies of Deputy Commissioner. Challenging the same, the petitioner filed O.A.No.5017 of 2005 in the A.P. Administrative Tribunal, Hyderabad. The Tribunal passed an interim

order directing respondents 1 and 2 to continue him in the same post, if his juniors are being continued after the seniority list issued in G.O.Ms.No.501, dated 15.04.2005. Hence, the petitioner filed the present writ petition.

Heard the learned counsel on either side.

A perusal of the record goes to show that the petitioner is presently working as in-charge of the Deputy Commissioner, Prohibition& Excise Department, Hyderabad. This writ petition is an outcome of an interim order passed in O.A.No.5017 of 2005. The finding, if any, at this stage of proceedings may touch the very merits of the main O.A. In that view of the matter, without going into the merits of the case, We deem it appropriate to direct the Tribunal to dispose of the main O.A. in question.

The writ petition is accordingly disposed of directing the Tribunal to dispose of O.A.No.5017 of 2005 within three months from the date of receipt of a copy of this order. However, in view of the fact that the petitioner is presently working as in-charge Deputy Commissioner, Prohibition & Excise Department, Hyderabad, he shall be continued as such till the vacancies are filled up on regular basis, in accordance with the rules. There shall be no order as to costs.

---

( T. Meena Kumari.J)

---

(P. Lakshmana Reddy.J)

ksld

Dt.29.09.2005